

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING
MINUTES

December 12, 2013

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: F. Peterson, J. Doyle, B. Larson, T. Michalski, L. Spataro, B. Smith

MEMBERS ABSENT: B. Mazade, excused; S. Gawron, excused; S. Wisneski, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: E. Wildenberg, CFO Newkirk Electric, 1875 Roberts; T. Blais, 1920 Brunswick

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of November 14, 2013 be approved, was made by J. Doyle, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2013-14: Request to vacate the portion of Nims Street between Brunswick and Vulcan Streets by Newkirk Electric Associates, Inc. M. Franzak presented the staff report. Nims Street has already been vacated from Madison to Brunswick, and from Vulcan to Keating Avenue. This request would vacate the remainder of the street between these two areas. The street is an unimproved dirt road with no utilities in the vicinity. Newkirk Electric owns the parcels at 1875 Roberts Street, 1035 E. Laketon Avenue and 1975 Vulcan Street. They would like to combine all of these properties and fence them in for storage expansion. In order to do that, the street must be vacated and re-platted. Once the City vacates the street, they will give up all interest in it, and it becomes common property to everyone in the block, until it is re-platted and individual owners are given portions of the land. Notice was sent to property owners within 300 feet of this property.

M. Franzak stated that, once the street was vacated, it would need to go to Circuit Court to get re-platted and divided among the property owners. M. Franzak provided board members with a written response from DTE Energy/MichCon. They requested an easement on behalf of Michigan Consolidated Gas Company for their gas main on Vulcan, but had no facilities along Nims. M. Franzak recommended that, if the request were approved, a condition be that public utility easements are retained. MichCon and the property owner could work out the easement details.

L. Spataro arrived at 4:10 p.m.

E. Wildenberg, Newkirk Electric, described their plans for the site. L. Spataro asked if Newkirk's intention was to close Nims Street off, or use it as a driveway. E. Wildenberg stated that they intended to close and fence off the Nims portion to use as part of their storage yard. They would use a portion of Vulcan Street off Keating as a driveway to their property, and install a gate to close off the site to the public. T. Blais owned a business at 1920 Brunswick. He stated that the main access to his building was along Nims Street, as his building on the Brunswick side butted right up to the street. He needed

room for his equipment and dumpster along the Nims Street side, and didn't think there would be enough room if Nims were vacated. Mr. Wildenberg stated that he had spoken to Mr. Blais about his adjoining property but they had not worked out an agreement yet. He stated that he was willing to work with Mr. Blais to ensure that access to his property would be maintained. E. Wildenberg stated that if Newkirk was unable to reach an agreement with Mr. Blais on the purchase of his property, they would work with him on placement of the fence to ensure that it did not block Mr. Blais' business. B. Larson stated that he would like to ensure that Mr. Blais would still be able to access his property. L. Spataro stated that it would not be appropriate to include that in a motion, since it involved two private parties.

A motion to close the public hearing was made by B. Larson, supported by B. Smith and unanimously approved.

A motion that the vacation of Nims Street between Brunswick and Vulcan Streets be recommended to City Commission for approval based on compliance with the City's 1997 Master Land Use Plan, with the condition that public utility easements will be retained upon re-platting, was made by B. Smith, supported by B. Larson and unanimously approved.

Hearing, Case 2013-15: Request to vacate the portion of Vulcan St south of Nims St and north of Keating Ave, by Newkirk Electric Associates, Inc. M. Franzak presented the staff report. Vulcan Street has already been vacated between Laketon Avenue and Nims Street. This request is to continue the vacation of Vulcan down to Keating Avenue. The street is an unimproved dirt road with no utilities in the vicinity. Newkirk Electric owns nearby parcels at 1875 Roberts, 1035 E Laketon, and 1975 Vulcan. They would like to combine all of these properties and fence them in for storage expansion. In order to do that, the street must be vacated and re-platted. Once the City vacates the street, they will give up all interest in it. It becomes common property to everyone in the block, until it is re-platted and individual owners are given portions of the land. Notice was sent to property owners within 300 feet of this property. Staff has not received any comments from the public.

This request was also addressed in the previous case, and there were no additional questions. M. Franzak stated that, if approved, a condition should be added that public utility easements be retained.

A motion to close the public hearing was made by J. Doyle, supported by L. Spataro and unanimously approved.

A motion that the vacation of Vulcan Street between Nims Street and Keating Avenue be recommended to City Commission for approval based on compliance with the City's 1997 Master Land Use Plan, with the condition that all utility easements be retained upon re-platting, was made by L. Spataro supported by J. Doyle and unanimously approved.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:27 p.m.